

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith replacement figures 1 and 2. These figures have each been amended to include the legend 'Prior Art.'

REMARKS

In response to the above identified Office Action, Applicant respectfully requests reconsideration in view of the above amendments and following remarks. Applicant has amended claims 1, 7, 10, 13, 19, 22, 25, 26, 31, 33, 39 and 42. Applicant has not added any claims or deleted any claims. Accordingly, claims 1-42 remain pending in the application.

I. Objections to the Specification

The Examiner has objected to the specification for not including a brief summary. The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

The Examiner has also objected to the misspelling of the word "Field" on line 1 of page 2 and of the word "Figures" on line 1 of page 5. However, Applicant has reviewed the specification and has not been able to discern any errors in these words. Rather, after reviewing the specification on the PAIR system it appears that the scan of the document was inaccurate and omitted letters from the document that were actually in the submitted document. Accordingly, reconsideration and withdrawal of the objection to the specification are requested.

II. Objections to the Drawings

The Examiner has objected to Figures 1 and 2 indicating they should be designated by a legend such as prior art. Applicant has amended these drawings as suggested the Examiner. The Examiner has also objected to Figure 3 specifically element 316 of Figure 3 indicating it should be rewritten to accurately reflect the step in view of the description provided in view of paragraph [0029] of the specification. However, the Applicant has reviewed paragraph [0029] and element 316 and believe that the description in Figure 3 and element 316 corresponds to that which is described in paragraph [0029]. If the Examiner maintains this rejection, the Applicant respectfully requests that the Examiner clarify the basis upon which this figure is objected to. Accordingly, reconsideration and withdrawal of the objection to the drawings are requested.

III. Objections to the Claims

The Examiner has objected to claim 7, 19, 31 and 39 for containing informalities. The Applicant has amended these claims as suggested by the Examiner. Accordingly, reconsideration and withdrawal of the objection to these claims are requested.

IV. Claims Rejected Under 35 U.S.C. § 101

Claims 33-42 stand rejected under 35 U.S.C. § 101 as allegedly not being limited to statutory subject matter. Applicant respectfully disagrees. The Examiner does not set forth what standard has been applied to determine that these claims are not limited to statutory subject matter. The relevant test is that set forth in *State Street Bank & Trust Co. v. Signature Financial Group*, 47 USPQd 1596 (Fed. Cir. 1998), wherein a claim is directed towards statutory matter if it produces a “a useful, concrete and tangible result.” See *State Street* at 1601. It is not relevant whether the claims include elements that may be intangible such as carrier waves, so long as the

result meets the *State Street* test. Accordingly, reconsideration and withdrawal of the non-statutory subject matter of claims 33-42 are requested.

V. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 13 and 33 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. issued to Nizar, et al. (hereinafter “Nizar”).

To anticipate a claim, the Examiner must show that the cited reference teaches each element of that claim. In regard to claim 1, this claim includes the elements of “the first unit of data including characteristics of the memory unit,” “accessing, based on content of the first unit of data, a second unit of data stored in a separate storage device from the memory unit to retrieve additional characteristics of the memory unit.” Applicant has reviewed Nizar but has been unable to discern any part therein that teaches these elements of claims 1, 13 and 33. Rather, Nizar teaches configuring RDRAM devices based on the contents of the Serial Presence Detect device in the memory unit. Additional configuration or characteristic information is not stored elsewhere or relied upon by Nizar. Thus, Nizar does not teach each of the elements of claims 1, 13 and 33. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1, 13 and 33 are requested.

VI. Claims Rejected Under 35 U.S.C. § 103

Claims 25 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nizar in view of U.S. Publication No. 2003/0061458 by Wilcox (hereinafter “Wilcox”).

Claim 25, as amended, includes many of the elements discussed above in regard to independent claim 1 including “the first unit of data including characteristics of the memory unit” and “the first unit to access, based on content of the first unit of data, a second unit of data stored in a separate storage device from the memory unit to retrieve additional characteristics of

the memory unit.” Thus, for the reasons mentioned above in regard to claims 1, 13, and 33 Nizar does not teach or suggest these elements of claim 25. Further, Wilcox does not cure these defects of Nizar. The Examiner does not rely upon and the Applicant has been unable to discern any part of Wilcox that teaches the elements of claim 25. Rather, the Examiner has relied on Wilcox to disclose a graphics controller. Thus, Nizar in view of Wilcox does not teach or suggest each of the elements of claim 25. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 25 are requested.

Claims 2, 14 and 34 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Nizar in view of U.S. Publication No. 2001/0039603 by Manowitz (hereinafter “Manowitz”). Claims 3, 4, 15, 16, 35 and 36 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Nizar and Manowitz in further view of U.S. Patent No. 6,507,530 issued to Williams, et al. (hereinafter “Williams”). Claims 5, 6, 9, 10, 17, 18, 21, 23, 37, 38, 41 and 42 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Nizar in view of Manowitz, Williams and U.S. Publication No. 2001/0026487 by Koga (hereinafter “Koga”). Claims 7, 8, 19, 20, 39 and 40 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Nizar in view of Manowitz, Williams, Koga and U.S. Publication No. 2003/0221072 by Azevedo et al. (hereinafter “Azevedo”). Claims 11 and 12 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Nizar in view of Manowitz, Williams, Koga and in further view of U.S. Patent Publication No. 2005/0050266 by Haas, et al. (hereinafter “Hass”). Claim 26 stands rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Nizar in view of Wilcox and Manowitz. Claims 27 and 28 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Nizar in view of Wilcox, Manowitz, and Williams. Claims 29 and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over

Nizar in view of Wilcox, Manowitz and Williams in further view of Koga. Claims 21 and 22 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Nizar in view of Williams, Manowitz, Koga and in further view of Azevedo.

Each of these claims depend from independent claims 1, 13, 25 and 33 and incorporates the limitations thereof. Thus, for the reasons mentioned above in regard to each of these independent claims Nizar does not teach or suggest each of the elements of these claims. Further, the Examiner has not relied upon and the Applicant has been unable to discern any part of the other cited references combined with Nizar to teach or suggest these elements of the independent claims. Thus, at least for the reasons mentioned above in regard to independent claims 1, 13, 25 and 33 Nizar in view of the other cited references does not teach or suggest each of the elements of these claims. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

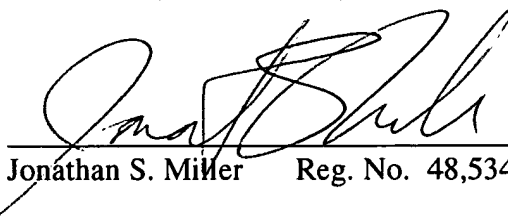
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-42, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

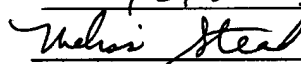
Dated: 4/29, 2006


Jonathan S. Miller Reg. No. 48,534

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

4-24-06
 4-24-06
Melissa Stead Date